

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD LAMPERTY : ORDER OF REVOCATION
_____ : DOCKET NO: 519-04/99-221

At its meeting of April 15, 1999, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Richard Lamperty from his tenured position with the Board of Education of Mountain Lakes for charges of unbecoming conduct. Lamperty currently holds a Teacher of Mathematics certificate.

This case originated on September 4, 1998 when the Mountain Lakes Board of Education certified tenure charges against respondent, Richard Lamperty. The district charged him with unbecoming conduct for chaperoning a non-sanctioned trip to Canada where he showed students a pornographic movie, served alcohol to minors, physically assaulted a student and arranged for sexual contact between a minor student and an adult. (Commissioner's Decision, slip op. at 2.)

Both Lamperty and his attorney received copies of the tenure charges and were informed that an answer was due within 15 days. Lamperty's Answer was not filed until September 28, 1998. The Commissioner of Education determined that the Answer was untimely and therefore deemed each of the charges admitted. (Commissioner's Decision, slip op. at 2.) As a result, the Commissioner held that Lamperty's actions constituted unbecoming conduct. He therefore ordered Lamperty dismissed from his tenured position. (Commissioner's Decision, slip op. at 3.) The Commissioner also transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Lamperty's certificate. Ibid. Lamperty appealed the decision to the State Board of Education, but never filed a brief in support of his appeal as required by N.J.A.C. 6:2-1.11(a). (State Board of Education Decision, slip op. at 1-2.)

Accordingly, on January 6, 1999 the State Board of Education dismissed Lamperty's appeal for failure to perfect. Ibid at 2.

Thereafter, at that April 15, 1999 meeting, the State Board of Examiners issued Lamperty an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure proceeding.

The Order to Show Cause was mailed to Respondent by regular and certified mail on May 4, 1999. The Order provided that an Answer must be filed within 20 days. Lamperty did not respond to the Order to Show Cause. On July 20, 1999, the Board of Examiners provided Lamperty with an additional 10 days to file an Answer. He was advised that if no response was filed the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. On July 29, 1999, Lamperty's attorney requested an extension of time in which to file an Answer. The State Board of Examiners granted an extension until August 30, 1999. Since the Board of Examiners heard nothing more from Lamperty, on December 27, 1999 he was given a final 10 days to respond to the Order to Show Cause. Lamperty did not responded.

The threshold determination before the State Board of Examiners in this matter, therefore, is whether Lamperty's conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of May 11, 2000, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Lamperty did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Lamperty's unbecoming conduct is admitted, the Board of Examiners must now decide whether that

constitutes a sufficient basis to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). Teachers in the State of New Jersey “are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no dispute that Lamperty’s conduct negates any claim he can have to being a role model. His inability to conduct himself in a proper manner speaks volumes about his lack of professional judgment. As the Commissioner recognized, this irresponsibility does not belong in a classroom, any classroom. Thus, the only proper response to Lamperty’s breach is revocation.

Accordingly, it is therefore ORDERED that Richard Lamperty’s Teacher of Mathematics certificate be revoked on this 11th day of May 2000. It is further ORDERED that Lamperty return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: October 11, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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